

REMARKS

Status Summary

Claims 1-40 are pending in the present application, with claims 1, 10, 23, 34, and 35 being in independent form. Claim 1 is amended. Claims 1-40 stand rejected.

Claim Rejection(s) - 35 U.S.C. § 102

Claims 1-5, 10-17, 23-26 and 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,650,831 to Thompson. Applicants believe the pending claims are allowable over the cited document for the following reasons.

Anticipation requires that every feature of the claimed invention be shown in a single prior document. *In re Paulsen*, 30 F.3d 1475 (Fed. Cir. 1994); *In re Robertson*, 169 F.3d 743 (Fed. Cir. 1999). The pending claims positively recite features that are not described in the cited document.

For example, amended claim 1, recites, among other things,
providing software for the entity-specific image capture devices that causes the entity-specific image capture devices to transmit entity ID information when the image capture devices transmit images to the photo-sharing service over a network, such that when the image capture devices connect to the photo-sharing service via the network, the photo-sharing service uses the entity ID received from the image capture devices to automatically associate the images received from the image capture devices to the photo-sharing website of the identified entity." (emphasis added).

Thompson's digital camera cannot transmit images to a service provider over a network, much less transmit entity ID information along with any such transmitted images, as claim 1 requires.

On page 15 of the Action, the Examiner states that she is un-persuaded by Applicants' argument in their prior response that Thompson fails to describe or suggest the above-cited feature "because Thompson teaches that transmission of the images to the service provider can be made either physically (e.g., via mail) or digitally, via the network, or by other suitable means (See column 4, lines 22-33)." Certainly, the Examiner must agree with Applicants that the recited feature of the image capture devices transmitting entity ID information when the image capture devices transmit images over a network cannot be said to read on a physical (e.g., via mail) transmission of images to Thompson's service provider. Applicants further assert that the above-cited portion of Thompson does not describe the image capture device (i.e., Thompson's digital camera) transmitting images digitally, via a network, to Thompson's service provider either.

Instead, Thompson describes at column 7, lines 27-36, that:

To accomplish this alternative method of electronically transmitting the photographic images to the image hosting service provider, the photographer can employ a "client" program running on, for example, a personal computer connected to the network. The client program is programmed to read the photographic image data recorded on the storage media, and to read the network access information associated with the storage media, and is programmed to transmit such information to the image hosting service provider.

Thompson also describes at column 9, lines 26-34, that the photographer can use a program running on a PC, not the digital camera, connected to the network to transmit images to the image hosting service provider. Accordingly, since Thompson's PC is not an "image capture device", as claim 1 requires, Applicants respectfully assert that Thompson does not anticipate the subject matter defined by the claim.

In responding to Applicants' prior arguments citing this same passage, the Examiner counters on page 15 of the Action, asserting that Thompson "states that the personal computer can be an **example** of a way a 'client' can run a program."

(emphasis in original). Apparently, the Examiner's emphasis of the term "example" in the Action is an assertion that notwithstanding Thompson only describing the transmission of images to a service provider via a PC, Thompson's use of the phrase "for example" describes that Thompson's digital camera is a "client" capable of running a program to read the photographic image data recorded on the storage media, and to read the network access information associated with the storage media, and is programmed to transmit such information to the image hosting service provider.

Applicants respectfully assert that Thompson's use of the phrase "for example" in the above-cited portion cannot be said to support a prima facie case of obviousness, much less support the stricter requirement under Section 102 of the Patent Laws, requiring that the cited document teach, explicitly or inherently, every feature of the claimed invention. Thompson simply does not describe that his digital camera can connect to the service provider via the network and transmit entity ID information when the image capture device transmit images to the photo-sharing service over a network, as claim 1 requires.

Accordingly, since Thompson does not describe the feature of "providing software for the entity-specific image capture devices that causes the entity-specific image capture image capture devices to transmit entity ID information when the image capture devices transmit images to the photo-sharing service over a network," claim 1 and its dependent claims are considered allowable over the cited document for at least this reason.

Independent claims 10, 23, 34, and 35 recite features similar to the novel feature discussed above in connection with the rejection of claim 1, and are considered allowable for at least these same reasons.

For example, claim 10 recites, among other things, that "when the software customized for a particular entity is executed in the entity's digital cameras during a network connection to the photo-sharing service, the software causes the digital cameras to automatically upload images to the website for that particular entity." Thompson does not describe that his digital camera can execute software customized for a particular entity to automatically upload images to the website for that particular entity.

Claim 23 recites, among other things, "transmitting the entity ID from the camera to the photo-sharing website when uploading images from the camera to the photo-sharing service via the network." Thompson's digital camera does not upload images to his service provider, much less transmit an entity ID along with the uploaded images.

Claim 34 recites, among other things:

[a] set of digital cameras including digital camera software that is customized for each of the entities, such that when the software customized for a particular entity is executed in the entity's digital cameras during a network connection, the software causes the digital cameras to automatically upload images to the website hosted for that particular entity.

Once again, Thompson's digital camera does not include software customized for a particular entity that, when executed in the digital camera, causes the digital cameras to automatically upload images to the website hosted for that particular entity.

Finally, claim 35 recites, among other things:

each of the plurality of digital cameras including digital camera software that is customized for each of the entities, such that when the software customized for a particular entity is executed in the entity's digital cameras during a network connection, the software causes the digital cameras to automatically upload images to the website hosted for that particular entity.

For the reasons stated above, Thompson's digital camera does not include digital camera software that is customized for each of the entities to automatically upload images to a website hosted for that particular entity.

Accordingly, claims 10, 23, 34, and 35, and their respective dependent claims, are considered allowable for at least the same reasons put forth in support of the patentability of claim 1.

In addition to the absent features of claim 1 identified above, Thompson also fails to describe:

A method for providing access to respective entity-specific photo-sharing websites for a plurality of entities, each controlling a set of entity-specific image capture devices, comprising:

an online photo-sharing service capable of providing access to the respective entity-specific photo-sharing websites for each of the entities ... such that when the image capture devices connect to the photo-sharing service via the network, the photo-sharing service uses the entity ID received from the image capture devices to automatically associate the images received from the image capture devices to the photo-sharing website of the identified entity. (emphasis added).

On page 15 of the Action, the Examiner again states that she is un-persuaded by Applicants' argument in their prior response that Thompson fails to describe or suggest the above-cited feature, stating:

because Thompson teaches assigning or reserving a global network address (URL) to each digital camera, either by a unique identification number or a serial number, in order to access a image hosting service provider (See column 6, lines 55-67; column 8, lines 55-64). Thompson invention does disclose the image hosting service provider (photo-sharing website) automatically associating a unique identification number (entity ID) or a serial number (entity ID) in order to access the website by the digital camera ID.

Applicants respectfully disagree.

Thompson does not describe a single online photo-sharing service capable of providing access to a plurality of entity-specific photo-sharing websites and using the entity ID received from the image capture devices to automatically associate the images received from the image capture devices to the entity-specific photo-sharing website of the identified entity. Instead, Thompson describes an arrangement in which a single image hosting service provider **10** provides access to a corresponding single website.

For example, in the same portion of the cited document relied on by the Examiner to support the rejection of claim 1, Thompson describes that:

photographs hosted by an image hosting service provider 10 at the domain <www.camerai.com>, which were taken with a camera having a serial number of 1200 could have the partial network location of <www.camerai.com/1200>. The image number can then be added to the base network location to complete the address. Thus, the first such image (image 0001) could have the address/file name <www.camerai.com/1200-0001.jpg>

Accordingly, the domain "<www.camerai.com>" identifies the website for the image hosting service provider 10, the number "1200" represents the serial number of a camera authorized to use the website, and the identifier "0001.jpg" represents the filename of an image file taken by the camera having the serial number "1200." The address/filename "<www.camerai.com/1200-0001.jpg>" corresponds to a page on the website "<www.camerai.com>" for accessing the image "0001.jpg."

Should a second camera, perhaps having a serial number "1300" and controlled by a different entity than the camera having the serial number "1200" described above, be authorized to use Thompson's website, then an image, say "0002.jpg," taken by this second camera would have a page, "<www.camerai.com/1300-0002.jpg>" on the same website (i.e., "<www.camerai.com>") as the camera having the serial number 1200 for accessing the image "0002.jpg." This would occur, despite the fact that the cameras having the serial numbers "1200" and "1300" have different controlling entities.

In contrast, the single online photo-sharing service recited in claim 1 provides that when a plurality of image capture devices having different controlling entities connect to the single photo-sharing service via the network, the photo-sharing service uses the entity ID received from the image capture devices to automatically associate the images received from the image capture devices to the photo-sharing website of the identified entity.

For example, Applicants describe a scenario in the paragraph beginning at line 4 on page 9 of the original disclosure, in which Minolta and Nikon are entities that contract with a photo-sharing service. Assume for purposes here that the photo-sharing service has the same domain as Thompson's service provider 10, namely "<www.camerai.com>." Applicants describe in their disclosure that the photo-sharing service hosts a photo-sharing website for Minolta, say "<www.minolta.com/photos>," and a photo-sharing website for Nikon, say "<www.nikon.com/photos>." The Minolta cameras would be provided the entity ID for Minolta, say "minolta," and the Nikon cameras would be provided the entity ID for Nikon, say "nikon." When the Minolta and the Nikon cameras send sets of images along with their respective entity IDs to the photo-sharing service, "<www.camerai.com>," the service would distinguish the cameras 14 by their entity IDs and would direct the set of images received from Minolta cameras to Minolta's photo-sharing website, "<www.minolta.com/photos>," and would direct the images from Nikon cameras 14 to Nikon's photo-sharing website, "<www.nikon.com/photos>." To view the images, the owners of the cameras 14 would use a browser 24 on their PC or PDA to visit the URL of the respective Minolta ("<www.minolta.com/photos>") or Nikon ("<www.nikon.com/photos>") photo-sharing websites.

The above example should make clear the distinction between Thompson's arrangement and the subject matter invented by Applicants. Moreover, this distinction is clearly defined in claim 1, which recites, among other things, for a plurality of entities,

each controlling a set of entity-specific image capture devices, an online photo-sharing service capable of providing access to the respective entity-specific photo-sharing websites for each of the entities ... such that when the image capture devices connect to the photo-sharing service via the network, the photo-sharing service uses the entity ID received from the image capture devices to automatically associate the images received from the image capture devices to the photo-sharing website of the identified entity.

Accordingly, because Thompson fails to describe the above-recited feature, claim 1 and its dependent claims are believed novel in view of Thompson for this reason as well. Moreover, independent claims 10, 23, 34, and 35, recite subject matter substantially similar to claim 1 in this regard, and thus are considered allowable over Thompson, together with their respective dependent claims, for these same reasons.

Claim Rejection(s) - 35 U.S.C. § 103

Claims 6-9, 18-22 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of U.S. Patent No. 6,017,157 to Garfinkle, et al. (hereinafter "Garfinkle"). Applicants respectfully submit that these claims are allowable over the cited documents for at least the same reasons that their respective base claims are considered allowable, as discussed in detail above.

CONCLUSION

In view of the above, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. The Examiner is respectfully requested to telephone the undersigned patent attorney at the below-listed number if, after reviewing the above Remarks, the Examiner believes outstanding matters remain that may be resolved without the issuance of a subsequent Official Action.

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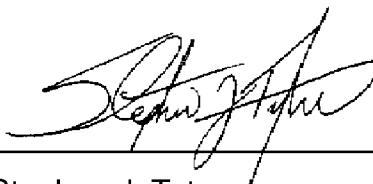
DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees associated with the filing of this paper to Deposit Account No. 50-3512 (IPAC, LLC).

Respectfully submitted,

Date: May 15, 2006

By: _____


Stephen J. Tytran
Registration No. 45,846

IPAC, LLC
Customer No: **49277**
111 Corning Road; Ste. 220
Cary, North Carolina 27511
919 233 1942 x202 (voice)
919 233 9907 (fax)